

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**JONATHAN BARAHONA and HECTOR  
HERNANDEZ,**

**Plaintiffs,**

**v.**

**PARADISE TREE SERVICE & LANDSCAPE  
CORP. and WILLIAM NIETO,**

**Defendants.**

**Case No. 21-cv-05400 (GRB)(LGD)**

**AFFIDAVIT IN SUPPORT  
OF THE DEFENDANTS'  
MOTION FOR A NEW TRIAL  
AND OTHER RELIEF**

**WILLIAM NIETO, do hereby swear the following statements are true and correct  
under the penalty of perjury:**

- 1. I am a Defendant in this Action. I submit this Affidavit in Support of Defendants  
motion for relief pursuant to U.S. CONST. AMEND. VII, FRCP RULES 38, 39, 52,  
59, 60 and 62, along with such other relief as this Court deems just and proper. The  
motion seeks a new trial and other relief.**
- 2. I did not feel as if I was given a fair trial. The Judge recommended I not have a jury  
and I listened and now regret it. I was made to feel uncomfortable by requesting that  
I have an interpreter provided to me. The Judge did not offer me the opportunity to  
have an opening statement and as my attorney points, I believe he made a mistake  
with the facts and the law.**
- 3. My affidavit which is Exhibit P, I explained how the Plaintiff Barahona did not work  
for me for 3 months during the time the Judge awarded him damages for me not  
paying him overtime.**

4. I also felt the court's decision was made before the trial ended.
5. I was the President, Sole Shareholder and Director of the Defendant, Paradise Tree Service and Landscape Corp.
6. In support of the within motion for a new trial I have attached a copy of my deposition transcript as Exhibit F. I have read it and swear the statements I made as they appear in the transcript are true under the penalty of perjury.
7. Also attached is a prior Affidavit I submitted and swore to, in April 2022, as Exhibit P.
8. Also attached and in support of the motion is the verified answer that was submitted on my behalf and Paradise Tree Service & Landscape Corp.
9. I reviewed the Memorandum of Law and my attorney's affirmation and I believe all the information contained therein and in this Affidavit is true under the penalty of perjury.
10. I did not have money to get new counsel. I closed my business and wrote letters to magistrate Dunst. I appreciate the time Magistrate Dunst gave me to find counsel but I could not until very recently.

WHEREFORE, I respectfully request that the Defendants' applications submitted herein for the aforementioned relief be granted, in their entirety, along with such other and further relief as this Court deems just and proper.

Dated: June 10, 2025

William Nieto  
WILLIAM NIETO, Individually and  
as President, Shareholder, Owner  
and Director of Defendant,  
PARADISE TREE SERVICE &  
LANDSCAPE CORP.

Sworn to before me this  
10 Day of June, 2025

  
Notary Public

GLENN INGOGLIA  
Notary Public, State of New York  
No. 02IN6015900  
Qualified in Nassau County  
Commission Expires Dec. 24, 2026